

House File 115 - Introduced

HOUSE FILE 115
BY WINDSCHITL

A BILL FOR

1 An Act relating to the definition of person under the criminal
2 code.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **702.24 Person and application to**
2 **crimes against a person.**

3 1. Whenever the word "*person*" appears in the criminal
4 code relating to crimes against a person, "*person*" means all
5 living human beings from the beginning of their biological
6 development as human organisms regardless of age, race, sex,
7 gender, capacity to function, condition of physical or mental
8 dependency or disability, or method of sexual or asexual
9 reproduction used, whether existing in vivo or in vitro,
10 and each person is accorded the same rights and protections
11 guaranteed to all persons by the Constitution of the United
12 States, the Constitution of the State of Iowa, and the laws of
13 this state.

14 2. Notwithstanding any other provision of law to the
15 contrary, in the criminal code:

16 *a.* The elements of a crime against a person shall not be
17 interpreted to preclude the use of medications or procedures
18 necessary to relieve a person's pain or discomfort if the
19 use of the medications or procedures is not intentionally or
20 knowingly prescribed or administered to cause the death of a
21 person.

22 *b.* The following acts do not constitute a crime against a
23 person:

24 (1) Medical treatment for life-threatening conditions,
25 provided to a person by a physician licensed to practice
26 medicine, which results in the accidental or unintentional
27 injury or death of another person.

28 (2) Legitimate medical treatment for life-threatening
29 conditions not intended to harm a person but which has the
30 foreseeable effect of ending a person's life, including
31 legitimate medical treatment to preserve the life of a pregnant
32 woman even if the foreseeable effect is harm to the fetus, as
33 long as the person providing the medical treatment exercises
34 that degree of professional skill, care, and diligence
35 available to preserve the life and health of the fetus.

1 (3) The creation of a person through in vitro fertilization.

2 (4) Contraception administered before a clinically
3 diagnosable pregnancy.

4 c. A crime against a person who has not yet been born shall
5 only be charged against the principal actor of the criminal
6 conduct.

7 (1) For the purposes of this lettered paragraph "c", a
8 person is a principal actor if the person does any of the
9 following:

10 (a) Commits an offense punishable under the criminal code or
11 aids, abets, counsels, commands, or procures its commission.

12 (b) Causes an act to be done which, if directly performed by
13 the person, would be punishable under the criminal code.

14 (2) For the purposes of this lettered paragraph "c", the
15 woman who is pregnant with the person who has not yet been born
16 shall not be considered a principal actor.

17 3. This section shall not be interpreted as a basis for
18 insuring to or vesting in a child before the time of live birth
19 or in the biological parents of a child before the time of live
20 birth a pecuniary interest or citizenship status.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill defines "person" for the purposes of the criminal
25 code to be: all living human beings from the beginning of
26 their biological development as human organisms regardless
27 of age, race, sex, gender, capacity to function, condition
28 of physical or mental dependency or disability, or method of
29 sexual or asexual reproduction used, whether existing in vivo
30 or in vitro, and each person is accorded the same rights and
31 protections guaranteed to all persons by the Constitution of
32 the United States, the Constitution of the State of Iowa, and
33 the laws of this state.

34 The bill provides some exemptions to the interpretation
35 and application of crimes against a person based on the

1 definition. The bill provides that elements of a crime against
2 a person shall not be interpreted to preclude the use of
3 medications or procedures necessary to relieve a person's pain
4 or discomfort if the use of the medications or procedures is
5 not intentionally or knowingly prescribed or administered to
6 cause the death of a person. Additionally, the following acts
7 do not constitute a crime against a person:

8 1. Medical treatment for life-threatening conditions,
9 provided to a person by a physician licensed to practice
10 medicine, which results in the accidental or unintentional
11 injury or death of another person.

12 2. Legitimate medical treatment for life-threatening
13 conditions not intended to harm a person but which has the
14 foreseeable effect of ending a person's life, including
15 legitimate medical treatment to preserve the life of a pregnant
16 woman even if the foreseeable effect is harm to the fetus, as
17 long as the person providing the medical treatment exercises
18 that degree of professional skill, care, and diligence
19 available to preserve the life and health of the fetus.

20 3. The creation of a person through in vitro fertilization.

21 4. Contraception administered before a clinically
22 diagnosable pregnancy.

23 Finally, under the bill, a crime against a person who has not
24 yet been born shall only be charged against the principal actor
25 of the criminal conduct. The bill defines "principal actor"
26 for the purposes of the bill and provides that a woman who is
27 pregnant with the person who has not yet been born is not to be
28 considered a principal actor.

29 The bill also provides that the provisions of the bill are
30 not to be interpreted as a basis for inuring to or vesting in
31 a child before the time of live birth or in the biological
32 parents of a child before the time of live birth a pecuniary
33 interest or citizenship status.